

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

TENNESSEE CONFERENCE OF THE)	
NATIONAL ASSOCIATION FOR THE)	
ADVANCEMENT OF COLORED)	
PEOPLE, et al.,)	
)	
Plaintiffs,)	No. 3:20-cv-01039
)	
v.)	Judge Campbell
)	Magistrate Judge Frensley
)	
WILLIAM LEE, et al.)	
)	
Defendants.)	

**DEFENDANTS' PARTIAL OBJECTION TO MAGISTRATE JUDGE'S ORDER (ECF
240)**

Pursuant to Fed. R. Civ. 72(a), Defendants file this partial objection to the Magistrate Judge's Order dated June 7, 2024, ECF 240. In his Order granting the re-deposition of two witnesses, Magistrate Judge Frensley found that “[m]ost importantly, Defendants’ Motion for Summary Judgment is no longer pending.” (Order, ECF 240, PageID# 3855.) Defendant’s Motion for Summary Judgment as to Counts 1-3 is still pending, and thus, the Magistrate Judge’s Order is clearly erroneous on that point.

On August 2, 2023, Defendants filed a Motion for Summary Judgment on all six Counts in the Second Amended Complaint. (*See*, Def.’s Mot. for Summ. J., ECF 150; Mem. in Supp. of Mot. for Summ. J., ECF 151.) When reopening discovery, this Court denied Defendant’s motion for summary judgment on Counts 1-3, without prejudice to refiling. (Order, ECF 179, PageID# 2856.) After the conclusion of the re-opened discovery period, this Court *reinstated* Defendants’ motion for summary judgment as to Counts 1-3, and ordered Plaintiffs to respond by August 1,

2024. (Order, ECF 214, PageID# 3549.) On April 18, 2024, this Court ruled on Counts 4-6, but did not rule on Counts 1-3. (*See*, Order, ECF 222, PageID# 3692.) Instead, this Court ordered the parties to court-ordered mediation as to Counts 1-3, and also Count 4. (*Id.* at PageID# 3693.)

Defendants submit that the Magistrate Judge's Order is incorrect and ask that the record reflect that Defendants' Motion for Summary Judgment as to Counts 1-3 remains outstanding.¹

CONCLUSION

For the reasons stated above, Defendants ask that the record reflect that their Motion for Summary Judgment as to Counts 1-3 remains outstanding.

Respectfully submitted,

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¹ While Defendants maintain that they are entitled to judgment as a matter of law, Defendants intend to attend the mediation in good faith and have prepared for the mediation.

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the above document has been forwarded electronically. Notice of this filing will be sent by the Court's electronic filing system to the parties named below. Parties may access this filing through the Court's electronic filing system.

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